

DAVID A. JACOBS, OSB No. 942202  
djacobs@luvaascobb.com  
LUVAAAS COBB  
777 High Street, Suite 300  
Eugene, Oregon 97401  
Telephone: (541) 484-9292  
Telefax: (541) 343-1206

Attorneys for Defendant Christopher J. Kayser

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

LAWRENCE JAMES SACCATO,

*Pro Se* Plaintiff,

vs.

U.S. BANK NATIONAL  
ASSOCIATION N.D., STEPHANIE  
BUCKLEY, CHRISTOPHER KAYSER  
and DOES 1 THROUGH 5,

Defendants.

**Case No. 6:13-cv-00173-AA**

**DEFENDANT CHRISTOPHER  
KAYSER'S MOTION FOR  
SUMMARY JUDGMENT  
PURSUANT TO FRCP 56**

**REQUEST FOR ORAL ARGUMENT**

**LR 7-1 Certificate**

The undersigned certifies that he conferred with the *pro se* plaintiff by phone about the issues placed in dispute by this motion, but was unable to reach a resolution.

**Motion**

COMES NOW, Defendant Kayser, by and through his attorneys of record, Luvaas Cobb, and, pursuant to FRCP 56, moves this court granting summary judgment in his favor

DEFENDANT CHRISTOPHER KAYSER'S MOTION FOR SUMMARY  
JUDGMENT PURSUANT TO FRCP 56 -1

**LUVAAAS / COBB**  
ATTORNEYS AT LAW  
777 High Street, Suite 300  
Post Office Box 10747  
Eugene, OR 97440-2747  
Phone: 541-484-9292  
Fax: 541-343-1206

and dismissing all of plaintiff's claims against defendant. This motion is supported by the Declaration of Christopher J. Kayser, and the Memorandum of Law filed herewith.

DATED this 12<sup>th</sup> day of April, 2013.

LUVAAS COBB  
Attorneys for Defendant Christopher Kayser

By: /s/ David A. Jacobs  
David A. Jacobs, OSB No. 942202  
E-mail: [djacobs@luvaascobb.com](mailto:djacobs@luvaascobb.com)  
Trial Attorney

### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANT CHRISTOPHER KAYSER'S MOTION FOR SUMMARY JUDGMENT PURSUANT TO FRCP 56, MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND DECLARATION OF CHRISTOPHER J. KAYSER IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** on:

Lawrence James Saccato  
c/o 6387 Old Hwy 99S  
Roseburg, OR 97471  
*Pro Se* Plaintiff

by the following indicated method or methods:

- X   By **mailing** a full, true, and correct copy thereof in a sealed, first-class postage prepaid envelope, addressed to the attorney(s) as shown above, at the last known office address of the attorney(s), and deposited with the United States Postal Service at Eugene, Oregon, on the date set forth below.
- \_\_\_ By depositing with **B & J/Barristers Aide** for hand-delivery a full, true, and correct copy thereof in a sealed envelope, addressed to the attorney(s) as shown above, at the last known office address of the attorney(s) on the date set forth below.
- \_\_\_ By causing a full, true, and correct copy thereof to be **hand-delivered** to the attorney(s) at the attorney's last known office address listed above on the date set forth below.
- \_\_\_ By sending a full, true, and correct copy thereof via **overnight courier** in a sealed, prepaid envelope, addressed to the attorney(s) as shown above, at the last known office address of the attorney(s), on the date set forth below.
- \_\_\_ By **faxing** a full, true, and correct copy thereof to the attorney(s) at the fax number(s) shown above, which is the last known fax number for the attorney's office, on the date set forth below. The receiving fax machine was operating at the time of service and the transmission was properly completed, according to the attached transmission report(s).

DATED this   12<sup>th</sup>   day of April, 2013.

LUVAAS COBB  
Of Attorneys for Defendant Christopher Kayser

  /s/ David A. Jacobs    
David A. Jacobs, OSB No. 942202